IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1948/1999

THE ASSISTANT REGISTRAR, ACCOUNTS & FINANCE,
UNIVERSITY OF RAJASTHAN
Vs.
THE PRESIDING OFFICER, LABOUR COURT NO.2,
JAIPUR & ANR.

Date: 13.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. R.K. Kala for the petitioner.
Mr. D.P. Pujari for the respondents.

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This writ petition is directed against the impugned Award dated 02.12.98 passed by the Labour Court No.2, Jaipur.

This Court at the time of issuance of notices vide order dated 04.05.99 was pleased to pass ex parte interim order staying the operation of the impugned Award dated 02.12.98. Pursuant to the directions, it is not disputed that the respondent workman has not been reinstated back as directed by the Labour Court No.2, Jaipur vide its impugned Award dated 02.12.98 and since 1998 till date it is disputed fact whether the respondent workman remains in gainful employment or not and while exercising powers under Article 226 of the Constitution of India, this Court cannot go into this

question as per the settled preposition of Hon'ble the Supreme Court and this Court.

As per the view expressed by this Court in the case of ***Nagar Palika, Lalsot Vs. Babu Lal & Ors, reported in 2002(2) RLW (Raj.) 1335,*** the respondent workman is entitled to get the compensation.

The respondent workman was given appointment as one of the employee was put under suspensions and it is also not disputed that till the person concerned is reinstated back in service, the respondent workman has rendered his services and he only discharged the work for 235 days.

Thus, in the interest of justice, after examining over all aspects and status of the workman respondent, at this stage I deem it proper to award a compensation to the extent of Rs. 15,000/- in lieu of termination. I find no merit in the Award as the Labour Court has committed illegality and not considered several aspects which are raised by the petitioner and the Award impugned dated 02.12.98 passed by the Labour Court No.2, Jaipur is hereby quashed and set-aside.

Further the petitioner is directed to make the payment of compensation to the respondent workman within a period of three months from the date of receipt of certified copy of this order, failing which

the petitioner has to make the payment of compensation with interest @ 6 % till the actual payment is made by the petitioner.

The writ petition stands partly allowed.

(K.S. RATHORE),J.

/KKC/